

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

MICHEAL LEAL, an individual,)	CASE NO.: 1:22-CV-00150-MRB
)	
<i>Plaintiff,</i>)	
)	
v.)	JUDGE: HONORABLE MICHAEL R.
)	BARRETT
FELICIA BEDEL, et. al.)	
)	
<i>Defendants.</i>)	<u>PLAINTIFF’S MOTION FOR</u>
		<u>ALTERNATIVE SERVICE</u>
		<u>PURSUANT TO FED. R. CIV. P. 4</u>

Plaintiff Michael Leal, (“Plaintiff”), by and through undersigned counsel, hereby requests that the Court grant Plaintiff’s request to effectuate service upon Defendant Cammie Leal via email.

FACTUAL SUMMARY

On March 23, 2022, Plaintiff filed his Complaint against four Defendants, Felicia Bedel, Cammie Leal, Chelsea Staedter, and Samantha Kerns, (collectively “the Defendants”) regarding an extensive harassment campaign orchestrated by the Defendants to ruin his reputation, financially cripple his business, and expose his confidential medical history. The Defendants have collectively published defamatory statements about the Plaintiff online and have intentionally inflicted severe mental and emotional distress upon him in retaliation for the termination of their respective romantic relationships with the Plaintiff.

Since filing the Complaint, Plaintiff has diligently sought to complete service of process on each of the Defendants. Plaintiff has so far successfully served Defendants Felicia Bedel and Samantha Kerns. Plaintiff attempted to serve Cammie Leal via a process server sent to her home at 10225 W. Marguerite Ave., Tolleson, AZ 85353. *See* Affidavit of Private Process Server, attached hereto as Exhibit 1. The process server attempted service on three occasions. On the final

service attempt, a man who identified himself as Cammie's husband aggressively escorted the process server off of the property and told the server that if he came back, he would shoot him. *Id.* The man additionally told the server that he was a member of the MS13 gang and took photos of the server's vehicle license plate. *Id.*

Defendant Cammie Leal has acknowledged that this present matter has been filed and has made several online posts on her social media accounts regarding the Complaint and Plaintiff. *See* Cammie Leal Online Posts, attached hereto as Exhibit 2. Due to the aggressive threats communicated to the process server in response to attempted service of the Complaint, and Defendant Cammie Leal's demonstration of knowledge regarding the complaint, Plaintiff now respectfully requests that this Court allow service of process with respect to Cammie be completed via email at teamexclusivelc@gmail.com, which Cammie purportedly uses for her fitness coaching business.

LAW AND ARGUMENT

A fundamental requirement of due process in any proceeding...is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). The means employed to effectuate service must "be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it." A federal court may authorize service of process to be completed in any manner comporting with the law of the state in which service is made. *See* Fed. R. Civ. P. 4(e)(1). Cammie Leal is located in Arizona. The Arizona Rules of Civil Procedure allow service to be completed through alternative means if other methods of service allowed under the rules are impracticable, "the court may, on

motion and without notice to the person to be served, order that service be accomplished in another manner.” *See* Ariz. R. Civ. P. 4.1(k).

Federal courts have generally found that service by email alone meets due process requirements where a plaintiff demonstrates that the email is likely to reach the defendant. *See Amirit Tech., Inc. v. HTN Wireless, Inc.*, 2017 U.S. Dist. LEXIS 73533, at *6 (D.N.J. May 12, 2017); *AmaTech Group Ltd. v. Fed. Card Servs., LLC*, 2021 U.S. Dist. LEXIS 156461 (S.D. Ohio); *FTC v. PCCare247, Inc.*, 2013 U.S. Dist. LEXIS 31969 at *12 (S.D.N.Y. 2013). Where the defendant is known to utilize the email address, courts in numerous federal circuits have found that email delivery is appropriate under the circumstances. *Id.* at 1365; *See also Chanel, Inc. v. 2012leboyhandbag.com*, 2015 U.S. Dist. LEXIS 178012, at *2 (S.D. Fla. 2015) (granting alternative service by email where Plaintiff documented the unsuccessful efforts it made to effect service by ordinary means and where Plaintiff showed it would be successful in serving via email).

Here, Plaintiff attempted to serve Cammie Leal in good faith by hiring a private process server to personally serve her with the summons and complaint. *See* Ex. 1. Cammie Leal is listed as owning the home at 10225 W. Marguerite Ave., Tolleson, AZ 85353, and so that is where the process server attempted service. On the third service attempt, a man who identified himself as both Cammie’s husband and a member of the MS13 gang aggressively walked the process server off the property and threatened to shoot him if he came back. *Id.* Given those circumstances, personal service is no longer practicable without endangering the safety of the process server.

Cammie Leal is a fitness coach and provides coaching instruction through her Instagram profile, @camcamexclusive. On her Instagram profile, she directs potential clients to contact her via email at teamexclusivellc@gmail.com. *See* Exhibit 3, Cammie’s Instagram Profile. Plaintiff, therefore, has a good faith basis to believe that Cammie Leal utilizes that email address and that

service via email at that address would be likely to reach her. As such, Plaintiff respectfully asks this Court to allow Plaintiff to complete service of the summons and complaint by sending both via email to that address.

CONCLUSION

Given the danger posed to the safety of any process server who attempts personal service on Cammie, the only safe manner in which to effectuate service of process upon Cammie Leal is by alternative means, the most effective of which will be service via email. To protect the safety of all parties involved, Plaintiff respectfully asks this Court to grant his motion for alternative service by email to ensure that Cammie receives notice comporting with due process.

Respectfully submitted,

/s/ Andrew Stebbins
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the Plaintiff's Motion for Alternative Service were served on May 2, 2022 via USPS to the Defendants at the following addresses:

Felicia Bedel
210 Carrington Lane, Apt 311
Loveland, OH 45140

Chelsea Staedter
7850 Dean Martin Drive, Suite 506
Las Vegas, NV 89139

Cammie Leal
10225 W Marguerite Avenue
Tolleson, AZ 85353

Samantha Kerns aka Samantha Adamo
405 Red Hawk Pointe
Kathleen, GA 31047

/s/ Andrew Stebbins
Andrew Stebbins
Attorney for Plaintiff